Guides available:

Nature and scope of the rights
When human rights may be limited
Human rights in decision making
Planning and reporting for human rights
How to review existing legislation for compatibility with human rights
How to review policy and procedures for compatibility with human rights
Develop policy and legislation compatible with human rights
Checklist to identify public entities
Incorporate human rights into your complaints processes

www.forgov.qld.gov.au/humanrights
How to apply the Human Rights Act 2019 to your work

The Human Rights Act 2019 (the Act) requires all public entities in Queensland to give proper consideration to, and act compatibly with, human rights when making decisions. To carry out these obligations, public entities should:

**STEP 1:** Identify relevant human rights

Check the list of rights on the next page to see what rights are relevant to your situation.


**STEP 2:** Consider whether human rights will be limited by the decision or action

Will your decision or action limit or interfere with the relevant rights you’ve identified?

**NO:** If rights are not being limited, you are acting compatibly with human rights.

**YES:** If human rights are being limited, you should move to step 3.

**STEP 3:** To lawfully limit a human right, you must:

**Be authorised**

What law or regulation allows you to limit a person’s rights?

If you cannot identify a law or regulation, then you may not be able to limit human rights.

**Be justified and reasonable**

Determine whether your limitation of a person’s rights is justified and reasonable in the circumstances, taking into account the following factors (under section 13(2) of the Act):

- **a)** Nature of the right
  
  What does the right/s identified in step 1 protect? What are the values that underpin the right?

- **b)** The nature of the purpose of the limitation
  
  What is your purpose for limiting human rights? What are you trying to achieve by your decision or action?

- **c)** The relationship between the limitation and its purpose?
  
  Will what you are doing, or proposing to do, actually achieve your purpose?

- **d)** Are there less restrictive and reasonably available ways to achieve the purpose?
  
  Is there another way to achieve your purpose that won’t limit a person’s human rights as much? If so, you should take the less restrictive option.

- **e-g)** The balance between the importance of the purpose of the limitation and the importance of preserving the human right.
  
  Consider whether the benefits gained by fulfilling the purpose of the limitation outweigh the harm caused to the human right.

### Human rights protected in the Act

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